



AP3 Rec'd PTO 17 FEB 2006

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	(\$)	<b>290.00</b>
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### Complete if Known

Application Number	10/526,079
Filing Date	February 28, 2005
First Named Inventor	David A. SACK
Examiner Name	
Art Unit	
Attorney Docket No.	29731-214498

### METHOD OF PAYMENT (check all that apply)

Check     Credit Card     Money Order     None     Other (please identify): \_\_\_\_\_  
 Deposit Account    Deposit Account Number: 22-0261    Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below     Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17     Credit any overpayments

### FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

	Small Entity
	Fee (\$)

50      25

Each independent claim over 3 (including Reissues)

200      100

Multiple dependent claims

360      180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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##### Multiple Dependent Claims

<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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- 20 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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##### Fee (\$)

<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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- 3 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_  
 HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
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- 100 = \_\_\_\_\_ /50 \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

<u>Late surcharge for Declaration</u>	<u>\$130.00</u>
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<u>Recordation of Assignment</u>	<u>\$ 40.00</u>
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<u>1 month extension of time</u>	<u>\$120.00</u>
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#### SUBMITTED BY

Signature	<u>C. A. Hobbs</u>	Registration No. (Attorney/Agent)	36,830	Telephone	(202) 344-4000
Name (Print/Type)	Ann S. Hobbs, Ph.D.			Date	2/17/06



**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of  
David A. SACK et al.

Serial No.: 10/526,079

Group Art Unit:

Filed: February 28, 2005

Examiner:

Confirmation No.: 4301

Attorney Docket: 29731-214498

For: VARIANTS OF VIBRIO CHOLERAE  
01 BIOTYPE E1 TOR WITH ATTRIBUTES  
OF CLASSICAL BIOTYPE

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PATENT & TRADEMARK OFFICE

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements dated November 17, 2005 submitted herewith are the following:

- Declaration for United States Patent Application, Power of Attorney, Designation of Correspondence Address (executed, 2 pages)
- Return Copy of Notification of Missing Requirements dated November 17, 2005
- Petition for Extension of time (1-month/large entity)
- Assignment (executed, 2 pages)
- Form PTO 1595

**Official fees:**

Recordation of Assignment	\$ 40.00
Petition for Extension of time fee	\$ 120.00
Surcharge for late submission of declaration	\$ 130.00

**Total fees enclosed: \$ 290.00**

02/23/2006 MKAYPAGH 00000042 220261 10526079

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The Commissioner is hereby authorized to charge the above requisite fees and credit any over payments to Deposit Account No. 22-0261, Deposit Account Name: Venable LLP.

Respectfully submitted,

Date: 2/17/06

C. A. Hobbs  
Ann S. Hobbs, Ph.D.  
Registration No. 36,830  
VENABLE LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Telefax: (202) 344-8300

ASH PCT



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/526,079	David A Sack	29731-214498
INTERNATIONAL APPLICATION NO.		
PCT/US03/26968		
I.A. FILING DATE		PRIORITY DATE
08/29/2003		08/30/2002
CONFIRMATION NO. 8323		
371 FORMALITIES LETTER		
 *OC000000017428243*		

**26694**  
**VENABLE LLP**  
**P.O. BOX 34385**  
**WASHINGTON, DC 20044-6608** *29731* DOCKETED  
**CLIENT/MATTER # 214498 ATTY ASH**  
**DUE DATE Jan. 17, 2006**  
**FINAL DEADLINE June 17, 2006**  
**DKTED BY [Signature] MR**

Date Mailed: 11/17/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/28/2005
- Copy of the International Search Report filed on 02/28/2005
- Preliminary Amendments filed on 02/28/2005
- Information Disclosure Statements filed on 02/28/2005
- Request for Immediate Examination filed on 02/28/2005
- U.S. Basic National Fees filed on 02/28/2005
- Priority Documents filed on 02/28/2005
- Specification filed on 02/28/2005
- Claims filed on 02/28/2005
- Abstracts filed on 02/28/2005
- Drawings filed on 02/28/2005

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The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

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Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,079	PCT/US03/26968	29731-214498

FORM PCT/DO/EO/905 (371 Formalities Notice)